

August 28, 2019

By Email & Certified Mail

District Manager David Camp
United States Postal Service
4600 Aldine Bender Rd Rm 800
Houston, TX 77315-0800

PLAINTIFF'S
EXHIBIT

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Re: Requesting ZIP Code Boundary Review for Prairie View, Texas

Dear Mr. Camp:

The NAACP Legal Defense and Educational Fund, Inc.¹ (“LDF”), on its own and on behalf of Jayla Allen, Damon Johnson, Treasure Smith, and the student members of the Panther Party at Prairie View A&M University, writes to request that the United States Postal Service (“Postal Service”) revise the boundaries of the 77446 ZIP Code in Prairie View, Texas, to make these boundaries coterminous with Prairie View’s city limits. The revised 77446 Zip Code area should be served by rural delivery from the Prairie View Post Office. As discussed in more detail below, this request has implications for the ability of Black voters to participate equally in the political process in Prairie View, including student voters who attend the historically-Black Prairie View A & M University (“PVAMU”). Enclosed is a resolution issued by the Prairie View City Council documenting the local government’s endorsement of this request.

This year, the City of Prairie View is celebrating the fiftieth anniversary of its incorporation. It has been a distinct and identifiable community within Waller County for nearly a century longer than that. Anchored by PVAMU, which was founded in 1876, Prairie View is a home-rule city under Texas law.² Prairie View has a rich history of fostering leadership, intellectual growth, and civic and political engagement among PVAMU students and other city residents, the vast majority of whom are people of color.³

¹ Since its founding in 1940 by Thurgood Marshall, the NAACP Legal Defense & Educational Fund, Inc. (“LDF”) has been a pioneer in the struggle to secure and protect the civil rights of Black people and other people of color through legal, legislative, public education, and other advocacy strategies to promote the full, equal, and active participation and inclusion of Black people in America’s democracy.

LDF has been a separate entity from the NAACP and its state and local branches since 1957.

² See Tex. Const. art. XI, § 5(a).

³ According to 2010 Census, Prairie View’s population is 87.6% Black.

However, despite Prairie View’s proud identity, incorporated status, and booming population,⁴ the Postal Service’s current ZIP Code boundaries in Waller County fail to meaningfully acknowledge Prairie View’s existence. Presently, most of the city’s territory falls within either the 77484 Zip Code, which is associated with the City of Waller, or the 77445 Zip Code, which is associated with the City of Hempstead. Prairie View’s actual ZIP Code, 77446, barely extends beyond the walls of the Prairie View Post Office. These misaligned boundaries have the unfortunate effect of eroding Prairie View’s geographical integrity, erasing its community identity, and aggravating an array of potentially discriminatory burdens on Prairie View residents’ exercise of the right to vote. For the reasons discussed in this letter, we urge the Postal Service to correct this injustice by properly aligning the boundaries of the 77446 ZIP Code to mirror Prairie View’s city limits, and making the Prairie View Post Office the source of rural delivery for 77446.

The ZIP Code, as the Postal Service has recognized, “is much more than a tool for moving mail efficiently.”⁵ Since its introduction in 1963, the ZIP Code has evolved into “a true public service,” with “universal and foundational” benefits.⁶ In the 56 years of their existence, ZIP Codes have acquired logistical, economic, and cultural significance far beyond their original purpose of facilitating the sorting of mail by region.⁷ Today, private and governmental entities use ZIP Codes for everything from dispatching emergency services to setting insurance rates, distributing tax revenue, and securing credit card transactions.⁸ ZIP Codes “not only connect individuals to the mail system, but they also create a framework for social interaction and institutional coordination.”⁹ And as ZIP Codes increasingly form “part of the national infrastructure,” they have become a powerful marker of civic identity and community belonging.¹⁰ Indeed, as the Postal Service’s Office of Inspector General recently explained, “[f]or many Americans, their ZIP Code provides not just a community boundary of some kind, but . . . an attribute of their identity.”¹¹

However, ZIP Code boundaries are sometimes drawn along arbitrary lines that bear little relationship to municipal borders or community identification.¹² Such misaligned boundaries, as a

⁴ The U.S. Census Bureau estimates that Prairie View’s population grew from 5,566 in 2010 to 6,399 in 2017—an increase of 15%, well above the statewide and national averages for population growth during this period. U.S. Census Bureau, *Quick Facts: Prairie View city, Texas*, <https://www.census.gov/quickfacts/fact/table/texas,US/PST045217>.

⁵ U.S. Postal Service, Office of Inspector General, *The Untold Story of the ZIP Code* (April 1, 2013), https://www.uspsoig.gov/sites/default/files/document-library-files/2015/rarc-wp-13-006_0.pdf.

⁶ *Id.* at ii.

⁷ Wendy R. Ginsberg, *Changing Postal ZIP Code Boundaries* 1, Cong. Research Serv., RL33488 (Feb. 2, 2011), available at <https://bit.ly/2Wpovbo>.

⁸ U.S. Postal Service, *The Untold Story*, *supra* note 5, at 7; see Ginsberg, *supra* note 7, at 1.

⁹ U.S. Postal Service, *The Untold Story*, *supra* note 5, at 1.

¹⁰ *Id.* at 7.

¹¹ U.S. Postal Service, Office of Inspector General, *OIG Blog: ZIP Code Allegiance* (Dec. 7, 2015), <https://uspsoig.gov/blog/zip-code-allegiance>.

¹² Ginsberg, *supra* note 7, at 2.

congressional researcher has cautioned, can deprive cities of “a community identity” and subject residents to “higher insurance rates, confusion in voter registration, misdirected property and sales tax revenues for municipalities, and changes in property values.”¹³ Given these potentially high stakes—and the increasing importance of ZIP Codes in the nation’s economic and civic life—it is necessary and inevitable that ZIP Codes must be “consistently updat[ed],”¹⁴ both to reflect changing conditions and to correct past mistakes.

The detrimental results of misaligned ZIP Code boundaries, unfortunately, are well illustrated in Prairie View. The current, distorted boundaries harm Prairie View residents in numerous ways. Under Waller County’s Rural Addressing System, Prairie View homes and businesses—even city government offices—that fall within the 77484 or 77445 ZIP Code boundaries are inaccurately represented as being located in Waller or Hempstead, the cities associated with those ZIP Codes. Portions of the city that fall into these other ZIP Codes are served by rural delivery routed through either the relatively distant Waller or Hempstead Post Offices rather than the nearby Prairie View Post Office. As a result, the City of Prairie View is losing its identity. Delivery of USPS mail, as well as UPS and FedEx packages, is rendered complex and frustrating. The use of GPS for driving directions is often practically impossible in Prairie View. The city government may be losing sales tax revenue. And PVAMU students residing in the Panther Hill Apartments, a new development that is located in Prairie View but assigned to the 77445 ZIP Code, are currently not served by any form of mail delivery.

Still more concerning are the effects of the current ZIP Code boundaries on the ability of Prairie View residents—especially new voters, such as PVAMU students—to exercise their fundamental right to vote. In past elections, PVAMU students and other new voters who live in buildings with a 77484 or 77445 ZIP Code have been confused about which polling precinct they should report to vote. Based on their ZIP Codes and the source of their mail delivery, they often believe that they live in Waller or Hempstead rather than Prairie View, and go to one of those cities’ polling places on election day only to be turned away. Leading up to the 2018 general election, Waller County officials, the Texas Secretary of State, and PVAMU administrators reached a last-minute agreement to allow PVAMU students to vote at their appropriate precinct for the November election without changing their addresses.¹⁵ But this stop-gap measure did not address the underlying problem.

Moreover, the electoral impacts of the current alignment of ZIP Code boundaries in Waller County are reminiscent of the many forms of racial discrimination deployed by federal, state, and

¹³ *Id.* at i.

¹⁴ U.S. Postal Service, *The Untold Story*, *supra* note 5, at 8 (“Without consistently updating ZIP Codes . . . , the ZIP Code would quickly lose its utility and spillover would decline.”).

¹⁵ See Jasper Scherer, *Secretary of State: Prairie View A&M students allowed to vote without extra paperwork*, Houston Chronicle (Oct. 16, 2018), <https://www.chron.com/news/houston-texas/houston/article/Secretary-of-State-Prairie-View-A-M-students-13303860.php>.

county governmental entities against the predominantly Black residents of Prairie View over the years.¹⁶ Until the 1980s, for example, the City of Prairie View was split into three of Waller County’s four commissioners court precincts, which resulted in—and was likely intended to result in—the near-total dilution of the electoral strength of Prairie View voters.

The Postal Service has been aware of the problems that can arise when ZIP Codes conflict with municipal boundaries since at least 1990. During legislative hearings that year before the 101st Congress, members of the U.S. House of Representatives, local government officials, and the National League of Cities testified about the harms caused by misaligned ZIP Code boundaries in jurisdictions across the United States.¹⁷ Many of these speakers had apparently raised their concerns with the Postal Service previously, only to be ignored or rebuffed. As a result, during the hearings, the Postal Service was criticized for “its ‘peremptory denials’ of local suggestions or requests for ZIP Code changes.”¹⁸ The Postal Service’s attitude toward requests for ZIP Code boundary changes was described by those who testified at the hearings as “‘cold and haughty,’ ‘cursory,’ ‘unresponsive,’ ‘stonewalling,’ and ‘uncaring.’”¹⁹

Spurred by widespread dissatisfaction at the Postal Service’s then-prevailing norm of summarily denying ZIP Code boundary revision requests, the Government Accountability Office subsequently undertook an investigation and concluded that the Postal Service must “do more to . . . resolve problems caused by conflicts between municipal and ZIP Code boundaries.”²⁰

In the years since concerns about misaligned ZIP Code boundaries first received public attention, the Postal Service has made progress in addressing these issues. One important development was a directive issued in 1999 by the Postal Service’s senior management acknowledging “a need for general improvement.”²¹ Going forward, the directive announced, municipal requests for ZIP Code changes—including those based solely on a community’s identity—would receive serious consideration:

¹⁶ See, e.g., *Veasey v. Perry*, 71 F. Supp. 3d 627, 635-36 (S.D. Tex. 2014), *aff’d in part, and rev’d in part on other grounds*, 830 F. 3d 216 (2016) (describing history of discrimination against Prairie View). Waller County officials have been implicated specifically in Voting Rights Act violations with respect to Black voters in Prairie View on at least two occasions as recently as in 2004 and 2008. See, e.g., Consent Decree, *United States v. Waller Cty.*, No. 4:08-cv-03022 (S.D. Tex. Oct. 17, 2008), ECF No. 8; Consent Order, *Prairie View Chapter of NAACP v. Kitzman*, No. 04-459 (S.D. Tex. Feb. 24, 2004), ECF No. 11.

¹⁷ Ginsberg, *supra* note 7, at 3.

¹⁸ *Id.* (quoting U.S. Congress, House Comm. on Post Office and Civil Serv., Secom. on Postal Ops. and Serv., *ZIP Code Boundaries*, hearing on H.R. 2380, H.R. 2902, and H.R. 4827, 101st Cong., 2nd sess., June 7, 1990 (Washington: GPO, 1990)).

¹⁹ *Id.* at 3.

²⁰ *Id.* (quoting U.S. Gen. Accounting Off., *Conflicts Between Postal and Municipal Boundaries* 23, GAO/T-GGD-90-47, (June 7, 1990)). At that time, the Government Accountability Office was known as the “General Accounting Office.”

²¹ Ginsberg, *supra* note 7, at 5 (quoting the U.S. Postal Service directive).

As indicated when the Review Process was first implemented in 1991, “just saying no” does not make identity issues go away. In fact, growth and the increasing use of ZIP Codes as database links and demographic tools tend to make them worse over time. . . . [P]ostal policy is to offer any reasonable administrative or operational accommodation that can correct, or alleviate, the municipal identity concerns. **The objective is to find ways to say “yes,” not excuses for saying “no.”** Do not deny a request out of concern that “other communities will want the same thing.” Others *will* make requests In the case of identity, customers measure the Postal Service by its impact on their daily lives. When mailing identities generate negative effects on our customers’ properties, households and associations, even when caused by third-party actions, they are perceived as “bad service” and intrusive bureaucracy.²²

In keeping with the principles set forth in the 1999 directive, the Postal Service’s current Management Instruction PO-439-2016-1, “ZIP Code Boundary Review Process,” declares that the Postal Service “appreciate[s] the identity and addressing concerns of local communities.”²³ According to this management instruction, “municipal requests to modify . . . ZIP Code boundaries in order to provide municipal identity, especially in undeveloped areas, will be reasonably considered.”²⁴ Such requests, per current Postal Service policy, must not be rejected peremptorily or for generalized reasons. Instead, “[r]equests to amend postal ZIP Code boundaries must receive careful, thorough, and balanced evaluations. The unique situations pertinent to each ZIP Code boundary must be considered.”²⁵

A review of the ZIP Code boundaries and rural delivery assignments in Prairie View is urgently needed. No viable administrative solutions are available to remedy the electoral, logistical, and identity harms that the current misalignment of ZIP Code boundaries inflict on the predominantly Black residents of Prairie View.²⁶ For example, an existing accommodation changing the authorized last lines of address in Prairie View has done nothing to address the underlying issues of identity and community integrity, nor has it removed the recurrent and constitutionally significant burdens experienced by voters in Prairie View on election days that have recently been, at best, “band-aided” by election-eve agreements.

In light of the above considerations, and pursuant to Management Instruction PO-439-2016-1, we urge the Postal Service to revise the boundaries of the 77446 Zip Code to make them coextensive with Prairie View’s city limits, thus mirroring the “actual municipal boundary and

²² *Id.* (emphasis in original).

²³ U.S. Postal Service, *Management Instruction PO-439-2016-1: ZIP Code Boundary Review Process* 1-2.

²⁴ *Id.* at 2.

²⁵ *Id.*

²⁶ *See id.*

identity of the affected area.”²⁷ We also request that the Postal Service assign rural delivery within these revised boundaries to the Prairie View Post Office. Because they replicate and meaningfully reflect the existing borders between Prairie View and its neighbors, these proposed ZIP Code boundaries will be “cohesive and manageable,” without “isolated pockets of deliveries.” No unreasonable impacts to postal operations are foreseen.²⁸ Indeed, we anticipate that postal customers throughout Waller County will be better served if the Postal Service implements the requested action and enlarges the 77446 ZIP Code and Prairie View Post Office’s rural delivery coverage area to harmonize these boundaries with Prairie View’s city limits.

Prairie View has requested such a revision before, including most recently in 2009 and 2013.²⁹ On at least one of these occasions, Prairie View was told that it is too small to have its own delivery ZIP Code. However, there are numerous counterexamples to show that cities and neighborhoods much smaller than Prairie View have received their own ZIP Codes. For example, Christine, Texas, which had a population of 390 during the 2010 Census, is entirely served by the 78012 ZIP Code. The 11109 Zip Code in Long Island City, New York, holds fewer than 2,000 residents and covers one tenth of a square mile. By contrast, Prairie View has over 6,000 residents, and the PVAMU campus alone covers 1,440 acres.

We are confident that this time the Postal Service will give this request the “careful, thorough, and balanced evaluation[],” called for in Management Instruction PO-439-2016-1.³⁰ The evaluation, per the management instruction, should take full account of “[t]he unique situations” in Prairie View, including the shameful history of discrimination against Prairie View residents by county, state, and federal officials, the aggravating influence of Waller County’s Rural Addressing System,³¹ and the reality that the present ZIP Code boundaries, in effect, perpetuate a similar form of discriminatory harm to Black voters in Prairie View, particularly during election seasons.³²

²⁷ *Id.*; *see also id.* at 6 (expressing a preference for implementing boundary changes when “the requested boundary represent[s] a formally established municipal boundary,” rather than “subjective perceptions.”)

²⁸ *See Id.*

²⁹ *See* Dug Begley, *Prairie View asking state to stamp out ZIP code snub*, Houston Chronicle (Apr. 8, 2013), <https://www.houstonchronicle.com/news/houston-texas/houston/article/Prairie-View-asking-state-to-stamp-out-ZIP-code-4419286.php>.

³⁰ *Id.* at 2

³¹ *See* Ginsberg, *supra* note 7, at 5 (recognizing that the Postal Service may be the entity best positioned to remedy “negative effects on our customers’ properties, households and associations . . . caused by third-party actions”).

³² U.S. Postal Service, *Management Instruction PO-439-2016-1*, *supra* note 23, at 2.

We request a response to this letter **in writing by September 16, 2019**. If you have questions about our requested ZIP Code boundary revision, please contact Leah Aden at 212-965-7715.

Sincerely,



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CC (by email): The Honorable David Allen, Mayor, City of Prairie View

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